

REMARKS/ARGUMENTS

Before this Response, claims 1-3, 5-9, 11-18 and 20 were present for examination. Claims 1, 7, and 13 are amended, and claims 21 and 22 are added. No claims are canceled. Therefore, claims 1-3, 5-9, 11-18 and 20 remain present for examination, and claims 1, 7, and 13 are the independent claims. Support for the amendments may be found in the Specification (Original Application, p. 12, l. 16 - p. 15, l. 5).

The Office Action dated September 13, 2006 ("Office Action") rejected claims 1-3, 5-9, 11-15, 17, 18 and 20 under 35 U.S.C. §102(e) as again anticipated by the cited portions of U.S. Patent No. 6,389,114 to Dowens et al. (hereinafter "Dowens"). The Office Action also rejected claim 16 under 35 U.S.C. §103(a) as unpatentable over Dowens in view of the cited portions of U.S. Publication No. 2002/0018487 to Chen et al (hereinafter "Chen"). Applicant respectfully requests reconsideration, particularly in light of the amendments.

35 U.S.C. §102(e) Rejection, Dowens

Independent claims 1, 7 and 13 are rejected under 35 U.S.C. §102(e) as being anticipated by Dowens. The non-final Office Action cites the same reference relied upon the previous Action dated April 7, 2006, and the content of the actions is largely the same. Thus, it appears that the Examiner maintains the position that the distinctions between the claims and Dowens are not sufficiently clear. Although Applicant views the existing claims as sufficiently distinct from Dowens, the claims are nonetheless amended to further clarify the differences.

For a valid anticipation rejection, the Office must show that each and every limitation from the claims appears in a single prior art reference. Applicant respectfully suggests that Dowens falls far short of this standard. More specifically, Dowens in no way suggests 1) a prioritized ranking of modes associated with the originating end, 2) a prioritized ranking of modes associated with the terminating end, or 3) a comparison between these prioritized rankings to identify the highest ranked matching mode, as generally recited in claim 13. Claims 1 and 7 contain similar limitations. Again, Examiner is referred to the relevant portions of the Specification for support (Original Application, p. 12, l. 16 - p. 15, l. 5).

The independent claims, therefore, each generally provide for an *automatic prioritized negotiation* between an originating and terminating end to select a matching mode from among a plurality of communication modes at each end. But the teaching of Dowens instead describes a translation between incompatible modes. The text/voice translation in Dowens is directed to converting the content from one communication mode to another, not selecting the highest ranked compatible mode. This conversion, or translation, of personal content set forth in Dowens does not teach the automatic prioritized matching of modes between two sets rankings, as set forth in the amended claims.

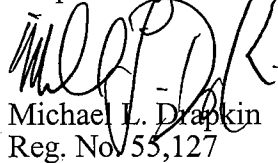
Independent claims 1, 7 and 13 are allowable for at least the reasons cited above. Dependent claims 2, 3, 5, 6, 8, 9, 11, 12, 14-18 and 20 each recite limitations in addition to those in the independent claims, and these claims are believed allowable at least because of their dependence from an allowable base claim. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Michael L. Drapkin
Reg. No. 55,127

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
MLD:klb
60875943 v1